

STATE OF SOUTH CAROLINA)	BEFORE THE CHIEF PROCUREMENT OFFICER
COUNTY OF RICHLAND)	
)	Case No.(s): 2011- 104 & 2011-106
In the Matter of:)	
)	
Protests of Campbell Crane and)	
Maxim Crane Works)	DECISION
)	
Department of Transportation)	
IFB No. SB10259)	Posting Date: April 1, 2011
<u>Crane Rental for Districts 1, 2, 3, 4, & 5</u>)	Mailing Date: April 1, 2011

This matter is before the Chief Procurement Officer (CPO) pursuant to letters of protest requesting an administrative review under the provisions of Section 11-35-4210(1)(b) of the South Carolina Consolidated Procurement Code (Code). By way of background, the South Carolina Department of Transportation (SCDOT) issued the above-referenced Invitation for Bids (IFB) to procure primary and secondary vendors for crane rentals in each of the SCDOT's five districts across the state. On January 24, 2011, SCDOT issued a Notice of Intent to Award to White Crane Co., Southway Crane, and Southern Crane. On February 1, 2011, Campbell Crane filed a protest alleging that the IFB only sought an hourly rate and did not account for any travel time to and from the jobsite. On February 4, 2011, Maxim Crane Works also filed a protest alleging that it was the lowest bidder in three districts.

Pursuant to Section 11-35-1520(7) of the Code and Regulation 19-445.2085(C) of the South Carolina Budget and Control Board, the CPO has issued a Written Determination canceling the intent to award issued by SCDOT in its entirety. Therefore, the protests of Campbell Crane and Maxim Crane Works are declared moot and dismissed.



R. Voight Shealy
Chief Procurement Officer for Goods and Supplies

April 1, 2011
Columbia, South Carolina.

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised October 2010)

The South Carolina Procurement Code, in Section 11-35-4210, subsection 6, states:

(6) Finality of Decision. A decision pursuant to subsection (4) is final and conclusive, unless fraudulent or unless a person adversely affected by the decision requests a further administrative review by the Procurement Review Panel pursuant to Section 11-35-4410(1) within ten days of posting of the decision in accordance with subsection (5). The request for review must be directed to the appropriate chief procurement officer, who shall forward the request to the panel or to the Procurement Review Panel, and must be in writing, setting forth the reasons for disagreement with the decision of the appropriate chief procurement officer. The person also may request a hearing before the Procurement Review Panel. The appropriate chief procurement officer and an affected governmental body shall have the opportunity to participate fully in a later review or appeal, administrative or judicial.

Copies of the Panel's decisions and other additional information regarding the protest process is available on the internet at the following web site: www.procurementlaw.sc.gov

FILE BY CLOSE OF BUSINESS: Appeals must be filed by 5:00 PM, the close of business. *Protest of Palmetto Unilect, LLC*, Case No. 2004-6 (dismissing as untimely an appeal emailed prior to 5:00 PM but not received until after 5:00 PM); *Appeal of Pee Dee Regional Transportation Services, et al.*, Case No. 2007-1 (dismissing as untimely an appeal faxed to the CPO at 6:59 PM).

FILING FEE: Pursuant to Proviso 83.1 of the 2010 General Appropriations Act, "[r]equests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410...Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of hardship, the party shall submit a notarized affidavit to such effect. If after reviewing the affidavit the panel determines that such hardship exists, the filing fee shall be waived." 2010 S.C. Act No. 291, Part IB, § 83.1. PLEASE MAKE YOUR CHECK PAYABLE TO THE "SC PROCUREMENT REVIEW PANEL."

LEGAL REPRESENTATION: In order to prosecute an appeal before the Panel, a business must retain a lawyer. Failure to obtain counsel will result in dismissal of your appeal. *Protest of Lighting Services*, Case No. 2002-10 (Proc. Rev. Panel Nov. 6, 2002) and *Protest of The Kardon Corporation*, Case No. 2002-13 (Proc. Rev. Panel Jan. 31, 2003).

February 01, 2011

Campbell, Inc.
PO Box 9087
Greenville, S.C. 29604
(864)299-0406

Chief Procurement Officer
Materials Management Office
1201 Main St, Suite 600
Columbia, S.C. 29201

Dear Sirs,

In response to the Award Letter for SCDOT Sealed Bid Solicitation # SB10259, Campbell Crane, Inc. would like to respectfully offer some Information that is possibly being overlooked.

After reading through the Bid, I don't think there has been any stipulation on Travel Time to & from the Job. This is important because the Crane Companies in this type Industry, unless agreed to otherwise, start charging the hourly rate when they leave their yard, through the hook time on the job & stop the hourly rate when they have arrived back on their yard.

That being the case, To perform a Crane Job in Greenville, S.C., a Crane Co. located in Columbia, S.C. would have considerably more time in that job than a Crane Co. located in Greenville, S.C.

That is why Campbell Crane only bid the work in Greenville, S.C. Being centrally located in Greenville, S.C., We would never be more than about 30 minutes away from any Greenville job as opposed to 1-2 hrs. at the very least for other Crane Companies. That's at least a difference of 1 hr. round Trip compared to 2-4 hrs. round trip. Therefore, In the end, the bill from the out of town Crane Companies are going to be significantly higher than the Crane Company located in town.

Since Campbell Crane, Inc. is located in Greenville, Our Availability should be much better also & Crane Scheduling would be much more convenient.

Campbell Crane already has an ongoing contract with SCDOT in the Upstate & we appreciate the opportunity to continue to help you with your Crane Lifting needs in this area.

Barry Sullivan
Campbell Crane
(864)449-7013

Skinner, Gail

From: Protest-MMO [Protest-MMO@mmo.sc.gov]
Sent: Friday, February 04, 2011 10:08 AM
To: _MMO - Procurement; Shealy, Voight; Skinner, Gail
Subject: FW: SB10259 Protest
Attachments: SCDOT - SB10259 - 12.17.2010.pdf; Awarded Pricing.pdf

From: KShearer@maximcrane.com[SMTP:KSHEARER@MAXIMCRANE.COM]
Sent: Friday, February 04, 2011 9:59:10 AM
To: Protest-MMO
Cc: CGiovanni@maximcrane.com
Subject: SB10259 Protest
Auto forwarded by a Rule

I wish to protest the awarded results of SB10259. In particular, projects Columbia #1, Greenwood #2 and Florence #5 where 210t, 300t and 350t cranes were requested. I submitted pricing that is well below the pricing of the awarded. I have attached my original bid for your review along with the awarded pricing sheet. I am roughly \$60,000 cheaper than my competition and would appreciate an explanation.

Thank you

Keith M. Shearer
Maxim Crane Works
Operations Manager - Columbia, SC
Office: (803) 939-9700
Fax: (803) 779-1057
Mobile: (704) 622-9126
<http://www.maximcrane.com/mb3/>

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<http://www.maximcrane.com>

2/4/2011